

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 24 AM 10:01

UNITED STATES OF AMERICA,

Plaintiff,

v.

Javier ESTRADA,

Defendant

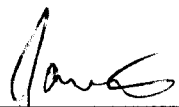
Magistrate Docket No.

08 MJ 0211  
COMPLAINT FOR VIOLATION OF DEPUTYTitle 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **January 23, 2008**, within the Southern District of California, defendant, **Javier ESTRADA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24<sup>th</sup> DAY OF **JANUARY,**  
**2008.**

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Javier ESTRADA**

**PROBABLE CAUSE STATEMENT**

On January 23, 2008, Border Patrol Agent A. Abellon was performing line watch duties in the Imperial Beach Border Patrol Station area of operations in an area known as Spooner's Mesa. This area is located approximately four miles west of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/ Mexico International Border. At approximately 9:30 a.m. Border Patrol dispatch advised Agents of a seismic intrusion activation in the area. Agent Abellon responded to the area and encountered six individuals attempting to hide. Agent Abellon approached the group and identified himself as a United States Border Patrol Agent and conducted an immigration inspection on all of the individuals. All six including one later identified as the defendant, **Javier ESTRADA**, admitted to being Mexican citizens illegally present in the United States. None of the individuals including, the defendant, did not possess any immigration documents that would allow them to enter or remain in the United States legally. All six including the defendant were arrested and taken to the Imperial Beach Station for further processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 9, 2007**, through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally. He stated is intended destination was Los Angeles, California.